

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
W. R. GRACE & CO., et al. <sup>1</sup>	)	Case No. 01-01139 (KG)
	)	(Jointly Administered)
Reorganized Debtors.	)	
	)	Hearing Date: May 3, 2017 at 11:00 a.m.
	)	Objection Deadline: April 14, 2017 at 4:00 p.m.

**NOTICE OF MOTION FOR AN ORDER BARRING THE KIRKLAND  
TESTIMONY IN FELA ACTION AS HEARSAY EVIDENCE**

TO: (i) the Office of the United States Trustee; (ii) Counsel for the WRG Asbestos PI Trust; (iii) Counsel for the Asbestos PI Future Claimants Representative; (iv) Counsel for the Asbestos PD Future Claimants Representative; (v) Counsel for the WRG Asbestos PD Trust (7A); (vi) Counsel for the WRG Asbestos PD Trust (7B); (vii) Counsel for the CDN ZAI PD Claims Fund; (viii) those parties that requested service and notice of papers in accordance with Fed. R. Bankr. P. 2002; and (ix) counsel for Norfolk Southern.

On March 31, 2017, the above-captioned reorganized debtors (collectively, the “Reorganized Debtors”) filed the attached *Motion for an Order Barring the Kirkland Testimony in FELA Action as Hearsay Evidence* (the “Motion”) with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801 (the “Bankruptcy Court”). A true and correct copy of the Motion is attached hereto.

Responses to the relief requested in the Motion, if any, must be in writing and be filed with the Bankruptcy Court no later than **April 14, 2017**. At the same time, you must also serve a copy of the objections or responses, if any, upon co-counsel for the Reorganized Debtors,

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<sup>1</sup> The Reorganized Debtors comprise of W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc., or “Grace”) and W. R. Grace & Co.-Conn. (“Grace-Conn.”).

(i) co-counsel for the Reorganized Debtors, John Donley, Esquire, Kirkland & Ellis LLP, 300 N. LaSalle, Chicago, IL, 60654; Roger Higgins, Esquire, The Law Offices of Roger Higgins, 1 North Bishop Street, Suite 14, Chicago, IL 60607-1823, and James E. O'Neill, Esquire, Pachulski Stang Ziehl & Jones LLP, 919 North Market Street, 17th Floor, P.O. Box 8705, Wilmington, DE 19899-8705 (Courier 19801); (ii) the Office of the United States Trustee; Richard L. Schepacarter, U.S. Department of Justice, Office of the U.S. Trustee, 844 King Street, Suite 2207, Wilmington, DE 19801; (iii) counsel for the WRG Asbestos PI Trust; Marla Rosoff Eskin, Esquire and Mark T. Hurford, Esquire, Campbell & Levine, LLC, 222 Delaware Avenue, Suite 1620, Wilmington, DE 19801 and Philip E. Milch, Esquire, Campbell & Levine, LLC, 1700 Grant Building, Pittsburgh, PA 15219; (iv) counsel for the Asbestos PI Future Claimants Representative, John C. Phillips, Jr., Esquire, Phillips, Goldman & Spence, P.A., 1200 North Broom Street, Wilmington, DE 19806; (v) counsel for Asbestos PD Future Claimants Representative, R. Karl Hill, Esquire, Seitz, Van Ogtrop & Green, P.A., 222 Delaware Avenue, Suite 1500, P.O. Box 68, Wilmington, DE 19899 and Alan B. Rich, Esquire, Attorney and Counselor, 4244 Renaissance Tower, 1201 Elm Street, Dallas, TX 75270; (vi) counsel for the WRG Asbestos PD Trust (7A), Richard B. Schiro, WRG Asbestos PD Trust, c/o Wilmington Trust, Attn: Corporate Trust Administration, 1100 N. Market Street, Wilmington, DE 19890-1625 and Deborah D. Williamson, Esquire, Cox Smith Matthews Incorporated, 112 E. Pecan Street, Suite 1800, San Antonio, TX 78205; (vii) counsel for the WRG Asbestos PD Trust (7B), Edward B. Cottingham, Jr., Esquire, The Cottingham Law Firm, 317 Wingo Way, Suite 303, P.O. Box 810, Mt. Pleasant, SC 29465 and M. Dawes Cooke, Esquire, Barnwell Whaley Patterson & Helms LLC, P.O. Drawer H, Charleston, SC 29402; and (viii) Daniel K. Hogan, Esquire, The Hogan Firm, 1311 Delaware Avenue, Wilmington, DE 19806 and Yves Lauzon,

Esquire, Michel Belanger, Esquire, Lauzon Belanger Lesperance Inc., 286, Rue St-Paul Ouest,  
Bureau 100, Montreal, Quebec, H2Y 2A3.

IF NO OBJECTIONS ARE TIMELY FILED AND SERVED IN  
ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE  
RELIEF REQUESTED BY THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

IN THE EVENT THAT ANY OBJECTION OR RESPONSE IS FILED AND  
SERVED IN ACCORDANCE WITH THIS NOTICE, A HEARING ON THE MOTION WILL  
BE HELD BEFORE THE HONORABLE KEVIN GROSS AT THE UNITED STATES  
BANKRUPTCY COURT, 824 MARKET STREET, SIXTH FLOOR, COURTROOM 3,  
WILMINGTON, DELAWARE 19801, ON **MAY 3, 2017 AT 11:00 A.M.**

Dated: March 31, 2017

THE LAW OFFICES OF ROGER HIGGINS, LLC  
Roger J. Higgins  
1 North Bishop Street  
Suite 14  
Chicago, IL 60607-1823  
Phone: (312) 666-0431

and

KIRKLAND & ELLIS LLP  
Adam C. Paul  
John Donley, P.C.  
300 North LaSalle Street  
Chicago, IL 60654  
Phone: (312) 862-2000

and

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

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Laura Davis Jones (Bar No. 2436)

James E. O'Neill (Bar No. 4042)

919 North Market Street, 17<sup>th</sup> Floor

PO Box 8705

Wilmington, DE 19899-8705 (Courier 19801)

Phone: 302.652.4100

Fax: 302.652.4400

Co-Counsel for the Reorganized Debtors